

REMARKS

By this Amendment, the specification has been amended; claims 40, 41, 44, 47, 49-51, 53, 54, 56, 58, 60, and 61 have been amended, and claims 57, 63, and 64 have been canceled without prejudice or disclaimer. Accordingly, claims 40-56 and 58-62 are pending in this application. No new matter has been introduced by this Amendment.

In the outstanding Office Action, the specification was objected to for minor formalities; claim 64 was objected to for not limiting independent claim 61; claims 40-64 were rejected under the judicially created doctrine of obvious-type double patenting in view of U.S. Patent No. 6,901,288; and claims 40, 41, 44-48, 51-55, 58-62, and 64 were rejected as anticipated by U.S. Patent No. 6,714,823 to De Lurgio et al. ("De Lurgio").

The specification has been updated to provide the current status of the priority applications. Accordingly, Applicants request that this objection to the specification be withdrawn.

Claim 64 has been canceled by this amendment. In view of this, Applicants request that the objection to this claim be withdrawn.

Applicants respectfully traverse the prior art rejection of claims 40, 41, 44-48, 51-55, 58-62, and 64 in view of De Lurgio. De Lurgio fails to disclose or suggest each element recited in the rejected claims. For example, De Lurgio fails to disclose or suggest a lead including a seal having the details of independent claim 1, wherein the seal is coupled to a housing having a proximally located shoulder. The valves (38, 54) disclosed in De Lurgio are each coupled to a constant outer diameter housing (48). See Figs. 5, 7, and 8 of De Lurgio. For at least this reason, De Lurgio cannot anticipate independent claim 1. Accordingly, Applicants request that the rejection of independent claim 1 in view of De Lurgio be withdrawn.

De Lurgio also does not disclose, *inter alia*, the closable seal including at least one cusp as amended to independent claim 47, the seal located at the proximal end of the lead body as amended to independent claim 54, and the seal closing operation amended to independent claim 61. In contrast to these claimed features, the valves of De Lurgio include a circular opening therethrough as depicted in Fig. 6 of De Lurgio, the valves of De Lurgio are located at a distal end of the lead, and the valves of De Lurgio close by elastic forces rather than through the assistance of expandable matrix material. For at least these reasons, independent claims 47, 54, and 61 cannot be anticipated by De Lurgio and Applicants request that these rejections be withdrawn.

Claims 41-46, 48-53, 55, 56, 59, 60, and 62 all depend from one of independent claims 40, 47, 54, and 61, and are therefore allowable for at least the same reasons stated above that claims 40, 47, 54, and 61 are allowable. In addition, each of the dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and therefore each is also separately patentable.

Applicants also traverse the outstanding double patenting rejection. In the Office Action, it is argued that the double patenting rejection is proper because claim 40 is broader in scope than claims 1-58 of U.S. Patent No. 6,901,288. While it is unclear how the breadth of independent claim 40 can support the rejection of independent claims 47, 54, and 61, Applicants submit that claim 40 includes limitations not found in claims 1-58 of the '288 patent. The claims of the '288 patent do not include the particulars of the seal recited in independent claims 40, 47, 54, and 61. For example, claims 1-58 of the '288 patent do not recite the open and closed state aspects of the seal of independent

claim 40. At least in view of this, Applicants submit that the double patenting rejection is improper and requests that it be withdrawn.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

The Examiner is invited to contact the undersigned at (202) 408-4469 if the Examiner believes that a discussion would further the prosecution of this application.

Respectfully submitted,

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